



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

September 8, 2014

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Ms. Nell Fuller  
National Environmental Compliance Manager  
Farm Service Agency, USDA  
Mail Stop 0513, Office 4715  
1400 Independence Avenue, SW  
Washington, DC 20250

Dear Ms. Fuller:

In accordance with our authorities under the National Environmental Policy Act and Section 309 of the Clean Air Act, EPA has reviewed the draft Supplemental Programmatic Environmental Impact Statement (SPEIS) developed by the U.S. Department of Agriculture's Farm Service Agency (FSA), on behalf of the Commodity Credit Corporation (CCC), for changes to the Conservation Reserve Program (CRP) identified in the Agricultural Act of 2014.

The Proposed Action includes making eligible emergency haying and grazing under certain conservation practices in areas that are currently ineligible for any type of haying or grazing. For example, emergency haying and grazing would become eligible in riparian buffers (Conservation Practice 22) and farmable wetlands pilot wetlands (Conservation Practice 27) to provide support to livestock producers during widespread drought conditions. Allowing haying and grazing under the proposed conservation practices in drought-designated areas would require concurrence and approval by certain State and/or federal agencies, and a site specific Conservation Plan would be developed prior to the activities. Emergency haying and grazing would continue to be prohibited during the Primary Nesting Season for certain wildlife established by State FSA committees in consultation with USDA's Natural Resources Conservation Service (NRCS) State Technical Committee. We recommend that the Final EIS provide additional information on the process for concurrence and approval by State and/or federal agencies, as well as the development of the site-specific Conservation Plans, and how these actions will ensure that impacts to wetlands and riparian areas are minimized by incorporation of appropriate best management practices in the Conservation Practice Standards.

Our review has not identified any potential environmental impacts requiring substantive changes to the proposed action and we have rated the draft SPEIS as LO ("Lack of Objections"); a summary of EPA's rating system criteria is enclosed. Please feel free to contact me or have your staff contact Cliff Rader, Director, NEPA Compliance Division, at (202)564-7159 if you have any questions or would like to discuss our comments.

Sincerely,

A handwritten signature in black ink that reads "Susan E. Bromm". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Susan E. Bromm  
Director  
Office of Federal Activities

Enclosure

## **Summary of Rating Definitions and Follow-up Action**

### Environmental Impact of the Action

#### **LO--Lack of Objections**

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### **EC--Environmental Concerns**

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### **EO--Environmental Objections**

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### **EU--Environmentally Unsatisfactory**

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

### Adequacy of the Impact Statement

#### **Category 1--Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### **Category 2--Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### **Category 3--Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.